

By: Deuell

S.B. No. 51

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of academic dyslexia teachers and therapists; imposing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. REGULATION OF ACADEMIC DYSLEXIA TEACHERS AND THERAPISTS. Subtitle G, Title 3, Occupations Code, is amended by adding Chapter 403 to read as follows:

CHAPTER 403. ACADEMIC DYSLEXIA TEACHERS AND THERAPISTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 403.001. DEFINITIONS. In this chapter:

(1) "Academic dyslexia therapy" means the treatment of reading, writing, and spelling disorders associated with dyslexia.

(2) "Commission" means the Texas Commission of Licensing and Regulation.

(3) "Department" means the Texas Department of Licensing and Regulation.

(4) "License holder" means a person who holds a license issued under this chapter.

Sec. 403.002. ADMINISTRATION BY TEXAS DEPARTMENT OF LICENSING AND REGULATION. The department shall administer this chapter.

Sec. 403.003. EXEMPTION; EDUCATORS. This chapter does not apply to a person who is required to hold a certificate issued under Subchapter B, Chapter 21, Education Code.

1 [Sections 403.004-403.050 reserved for expansion]

2 SUBCHAPTER B. POWERS AND DUTIES

3 Sec. 403.051. ADVISORY COMMITTEE. The department may  
4 appoint an advisory committee to advise the department in  
5 administering this chapter.

6 Sec. 403.052. RULES. The commission shall adopt rules  
7 necessary to administer and enforce this chapter, including rules  
8 that establish standards of ethical practice.

9 [Sections 403.053-403.100 reserved for expansion]

10 SUBCHAPTER C. LICENSE REQUIREMENTS

11 Sec. 403.101. LICENSE REQUIRED. A person may not use the  
12 title "academic dyslexia teacher" or "academic dyslexia therapist"  
13 in this state unless the person holds the appropriate license under  
14 this chapter.

15 Sec. 403.102. ISSUANCE OF LICENSE. The department shall  
16 issue an academic dyslexia teaching or therapy license to an  
17 applicant who meets the requirements of this chapter.

18 Sec. 403.103. LICENSE APPLICATION. (a) A license  
19 applicant must apply to the department on a form and in the manner  
20 the department prescribes.

21 (b) The application must be accompanied by a nonrefundable  
22 application fee.

23 Sec. 403.104. ELIGIBILITY FOR ACADEMIC DYSLEXIA TEACHER  
24 LICENSE. (a) To be eligible for an academic dyslexia teacher  
25 license, an applicant must:

26 (1) have a baccalaureate degree conferred by an  
27 accredited institution of higher education;

1           (2) have successfully completed at least 45 hours in  
2 courses related to academic dyslexia therapy, including training in  
3 multisensory structured written language training; and

4           (3) have completed at least 90 hours of practice of  
5 supervised clinical experience related to academic dyslexia  
6 therapy, including at least five conferences with clients observed  
7 by the supervisor.

8           (b) Clinical experience required under Subsection (a)(3)  
9 must be obtained under:

10           (1) the supervision of a license holder; and

11           (2) guidelines approved by the department.

12           Sec. 403.105. ELIGIBILITY FOR ACADEMIC DYSLEXIA THERAPIST  
13 LICENSE. (a) To be eligible for an academic dyslexia therapist  
14 license, an applicant must:

15           (1) have at least a master's degree conferred by an  
16 accredited institution of higher education;

17           (2) have successfully completed at least 200 hours in  
18 courses related to academic dyslexia therapy, including training in  
19 multisensory structured written language training; and

20           (3) have completed at least 700 hours of practice of  
21 supervised clinical experience related to academic dyslexia  
22 therapy, including at least 10 conferences with clients observed by  
23 the supervisor.

24           (b) Clinical experience required under Subsection (a)(3)  
25 must be obtained under:

26           (1) the supervision of a person holding an academic  
27 dyslexia therapy license; and

1           (2) guidelines approved by the department.

2           Sec. 403.106. EXAMINATION; RULES. (a) To obtain a license,  
3 an applicant must:

4           (1) pass an examination approved by the department;  
5 and

6           (2) pay fees set by the commission.

7           (b) The department shall:

8           (1) administer an examination at least twice each  
9 year;

10           (2) determine standards for acceptable performance on  
11 the examination; and

12           (3) maintain a record of all examination scores for at  
13 least two years after the date of examination.

14           (c) The commission by rule may:

15           (1) establish procedures for the administration of the  
16 examination; and

17           (2) require a written or oral examination, or both.

18           Sec. 403.107. REEXAMINATION. (a) A person who fails the  
19 examination may take a later examination on payment of a  
20 nonrefundable fee for the examination.

21           (b) An applicant who fails two examinations may not be  
22 reexamined until the person:

23           (1) submits a new application accompanied by a  
24 nonrefundable application fee; and

25           (2) presents evidence acceptable to the department of  
26 additional study in the area for which a license is sought.

27           Sec. 403.108. WAIVER OF EXAMINATION REQUIREMENT. The

1 department may waive the examination requirement and issue a  
2 license to an applicant who holds an appropriate certificate or  
3 other accreditation from a national organization recognized by the  
4 department.

5 Sec. 403.109. PROVISIONAL LICENSE. (a) The department may  
6 issue a provisional license to an applicant currently licensed in  
7 another jurisdiction who seeks a license in this state and who:

8 (1) has been licensed in good standing as an academic  
9 dyslexia teacher or therapist for at least two years in another  
10 jurisdiction, including a foreign country, that has licensing  
11 requirements substantially equivalent to the requirements of this  
12 chapter;

13 (2) has passed a national or other examination  
14 recognized by the department relating to the practice of academic  
15 dyslexia therapy; and

16 (3) is sponsored by a person licensed by the  
17 department under this chapter with whom the provisional license  
18 holder will practice during the time the person holds a provisional  
19 license.

20 (b) The department may waive the requirement of Subsection  
21 (a)(3) for an applicant if the department determines that  
22 compliance with that subdivision would be a hardship to the  
23 applicant.

24 (c) A provisional license is valid until the date the  
25 department approves or denies the provisional license holder's  
26 application for a license.

27 (d) The department shall issue a license under this chapter

1 to the provisional license holder if:

2 (1) the provisional license holder is eligible to be  
3 licensed under Section 51.404 or the provisional license holder  
4 passes the part of the examination under Section 403.106 that  
5 relates to the applicant's knowledge and understanding of the laws  
6 and rules relating to the practice of academic dyslexia therapy in  
7 this state;

8 (2) the department verifies that the provisional  
9 license holder meets the academic and experience requirements for a  
10 license under this chapter; and

11 (3) the provisional license holder satisfies any other  
12 licensing requirements under this chapter.

13 (e) The department must approve or deny a provisional  
14 license holder's application for a license not later than the 180th  
15 day after the date the provisional license is issued. The  
16 department may extend the 180-day period if the results of an  
17 examination have not been received by the department before the end  
18 of that period.

19 Sec. 403.110. TEMPORARY LICENSE; RULES. The commission by  
20 rule may provide for the issuance of a temporary license.

21 Sec. 403.111. INACTIVE STATUS; RULES. (a) The commission  
22 by rule may provide for a license holder to be placed on inactive  
23 status.

24 (b) Rules adopted under this section must include a time  
25 limit for a license holder to remain on inactive status.

1 [Sections 403.112-403.150 reserved for expansion]

2 SUBCHAPTER D. PRACTICE BY LICENSE HOLDER

3 Sec. 403.151. CONTINUING EDUCATION. (a) A license holder  
4 may not renew the person's license unless the person meets the  
5 continuing education requirements established by the commission  
6 under Section 51.405.

7 (b) The commission shall establish the continuing education  
8 requirements in a manner that allows a license holder to comply  
9 without an extended absence from the license holder's county of  
10 residence.

11 (c) The department shall:

12 (1) provide to a license applicant, with the  
13 application form on which the person is to apply for a license,  
14 information describing the continuing education requirements; and

15 (2) notify each license holder of any change in the  
16 continuing education requirements at least one year before the date  
17 the change takes effect.

18 [Sections 403.152-403.200 reserved for expansion]

19 SUBCHAPTER E. LICENSE DENIAL; COMPLAINT AND DISCIPLINARY

20 PROCEDURES

21 Sec. 403.201. COMPLAINTS. Any person may file a complaint  
22 with the department alleging a violation of this chapter or a rule  
23 adopted under this chapter.

24 Sec. 403.202. PROHIBITED ACTIONS. A license holder may  
25 not:

26 (1) obtain a license by means of fraud,  
27 misrepresentation, or concealment of a material fact;

1           (2) sell, barter, or offer to sell or barter a license;

2 or

3           (3) engage in unprofessional conduct that endangers or  
4 is likely to endanger the health, welfare, or safety of the public  
5 as defined by commission rule.

6           Sec. 403.203. MONITORING OF LICENSE HOLDER; RULES. (a) The  
7 commission by rule shall develop a system for monitoring a license  
8 holder's compliance with this chapter.

9           (b) Rules adopted under this section must include  
10 procedures to:

11           (1) monitor for compliance a license holder who is  
12 ordered by the department to perform certain acts; and

13           (2) identify and monitor license holders who represent  
14 a risk to the public.

15           Sec. 403.204. LICENSE DENIAL, REVOCATION, OR SUSPENSION FOR  
16 CRIMINAL CONVICTION. (a) The commission may deny a license or may  
17 suspend or revoke a license if the applicant or license holder has  
18 been convicted of a misdemeanor involving moral turpitude or a  
19 felony. The commission may take action authorized by this section  
20 when:

21           (1) the time for appeal of the person's conviction has  
22 elapsed;

23           (2) the judgment or conviction has been affirmed on  
24 appeal; or

25           (3) an order granting probation is made suspending the  
26 imposition of the person's sentence, without regard to whether a  
27 subsequent order:

- (A) allows withdrawal of a plea of guilty;
- (B) sets aside a verdict of guilty; or
- (C) dismisses an information or indictment.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is a conviction for purposes of this section.

Sec. 403.205. SCHEDULE OF SANCTIONS; RULES. The commission shall use the schedule of sanctions adopted by commission rule for any sanction imposed as the result of a hearing conducted by the department.

Sec. 403.206. REINSTATEMENT. (a) A person may apply for reinstatement of a revoked license on or after the first anniversary of the date of revocation.

(b) The department may:

- (1) accept or reject the application; and
- (2) require an examination as a condition for reinstatement of the license.

Sec. 403.207. REPRIMAND; CONTINUING EDUCATION. (a) In addition to other disciplinary action authorized by this subchapter, the commission may:

- (1) issue a written reprimand to a license holder who violates this chapter; or
- (2) require that a license holder who violates this chapter attend continuing education programs.

(b) The commission may specify the number of hours of continuing education that must be completed by a license holder to fulfill the requirement of Subsection (a)(2).

1       Sec. 403.208. EMERGENCY SUSPENSION. (a) The commission or  
2 a three-member committee of members designated by the commission  
3 shall temporarily suspend the license of a license holder if the  
4 commission or committee determines from the evidence or information  
5 presented to it that continued practice by the license holder would  
6 constitute a continuing and imminent threat to the public welfare.

7       (b) A license may be suspended under this section without  
8 notice or hearing on the complaint if:

9           (1) action is taken to initiate proceedings for a  
10 hearing before the State Office of Administrative Hearings  
11 simultaneously with the temporary suspension; and

12           (2) a hearing is held as soon as practicable under this  
13 chapter and Chapter 2001, Government Code.

14       (c) The State Office of Administrative Hearings shall hold a  
15 preliminary hearing not later than the 14th day after the date of  
16 the temporary suspension to determine if there is probable cause to  
17 believe that a continuing and imminent threat to the public welfare  
18 still exists. A final hearing on the matter shall be held not later  
19 than the 61st day after the date of the temporary suspension.

20       [Sections 403.209-403.250 reserved for expansion]

21       SUBCHAPTER F. PENALTIES AND OTHER ENFORCEMENT PROCEDURES

22       Sec. 403.251. DECEPTIVE TRADE PRACTICE. A violation of  
23 Section 403.101 is a deceptive trade practice.

24       Sec. 403.252. CRIMINAL OFFENSE. (a) A person commits an  
25 offense if the person violates Section 403.101.

26       (b) An offense under this section is a Class B misdemeanor.

27       SECTION 2. CONFORMING AMENDMENT. The heading to Subtitle

1 G, Title 3, Occupations Code, is amended to read as follows:

2 SUBTITLE G. PROFESSIONS RELATED TO HEARING, ~~[AND]~~ SPEECH, AND  
3 LANGUAGE

4 SECTION 3. TRANSITION. Section 51.301, Occupations Code,  
5 applies only to a violation of Chapter 403, Occupations Code, as  
6 added by this Act, that occurs on or after April 1, 2006.

7 SECTION 4. EFFECTIVE DATE. (a) Except as required by  
8 Subsection (b) of this section, this Act takes effect November 1,  
9 2005.

10 (b) Section 403.101 and Subchapters E and F, Chapter 403,  
11 Occupations Code, as added by this Act, take effect April 1, 2006.